

GISELA HELEN SNOWDY

JULY 4 (legislative day, JUNE 27), 1952.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 7713]

The Committee on the Judiciary, to which was referred the bill (H. R. 7713) for the relief of Gisela Helen Snowdy, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Gisela Helen Snowdy. The bill provides for an appropriate quota deduction and for the payment of the required visa fee and head tax.

STATEMENT OF FACTS

The beneficiary of the bill is a 27-year-old native and citizen of Germany who was admitted to the United States as an exchange visitor to study at the Black Hills Teachers College, Spearfish, S. Dak., during the academic year 1950-51. On August 17, 1951, she married the Reverend Louis A. Snowdy, a citizen of the United States, and has one child born on February 18, 1952. She is not eligible for an administrative adjustment of her status.

A letter dated May 29, 1952, to the chairman of the Committee on the Judiciary of the House of Representatives from the Assistant Secretary of State, with reference to the bill reads as follows:

DEPARTMENT OF STATE,
Washington, May 29, 1952.

The Honorable EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

MY DEAR MR. CELLER: Reference is made to your letter of May 7, 1952, and its enclosures, wherein you requested the views of this Department concerning the enactment of H. R. 7713, a bill for the relief of Gisela Helen Snowdy. Reference is also made to the Department's interim reply of May 9, 1952.

According to the information contained in the files of the Department, Gisela Helen Koch, born in Berlin, Germany, February 21, 1925, who is believed to be identifiable with the beneficiary of the proposed bill, was awarded a grant under Public Law 402, Eightieth Congress, second session, pursuant to which she was admitted to the United States and studied at Black Hills Teachers College, Spearfish, S. Dak., during the academic year 1950-51.

The Department's records indicate that although Miss Koch was required under the terms of the above-mentioned grant to depart from the United States and to return to Germany on or before September 5, 1951, or to subject herself to summary deportation from this country upon failure to so depart, she informed the Department on August 17, 1951, that she had married Rev. Louis A. Snowdy, an American citizen, and that as a consequence thereof, she would be unable to depart from the United States as required. The Department's records show that following the transmission to the American Consulate at Nuevo Laredo, Mexico, of a relative petition approved by the Immigration and Naturalization Service, Department of Justice, granting nonquota status under section 4 (a) of the Immigration Act of 1924, as amended, the consulate was requested to report approximately when Mrs. Snowdy might expect an invitation to apply for an immigration visa. The records of the Department further indicate that on September 5, 1951, a report was received from the consulate at Nuevo Laredo wherein it was stated that until the consulate had received clearance from Germany and notification from the applicant that the documents required under section 7 (c) of the Immigration Act of 1924, as amended, were complete, it would be unable to set a date for Mrs. Snowdy's appearance.

The Department has recently been confronted with the problem presented in a number of cases wherein aliens who were issued visas and were admitted into the United States under the provisions of Public Law 402 have married American citizens, or who, in their desire to effect legal admission into the United States for permanent residence, propose to go to Canada, Mexico, or some other nearby country to obtain immigration visas, instead of returning to the country from whence they came. Cases of this nature involving the alien spouses of American citizens are most appealing from the standpoint of seeking to preserve the family unit without prolonged separation; to avoid the expense which would be required in returning to the country where the exchange-students visa was issued; and for other reasons.

The fundamental objective of the Department's programs under which foreign nationals are brought to the United States is to make it possible for such persons to gain an understanding and appreciation of democratic ideals and principles which will enable them to assist in the democratic growth of their own countries upon their return. Exchange students who have had an opportunity to visit the United States can be of assistance in testifying to the falseness of the propaganda which the Communists are now spreading concerning the United States and democracy in general. Because most foreign countries do so definitely need young democratic citizens we hope that these exchange students will return home with a sincere desire to aid their countries.

Congress appropriates funds for the specific purpose of carrying out the objectives of Public Law 402 under Department-sponsored programs. The Department is keenly aware of its responsibilities in connection with these programs and, in the light of the many cases which have come forward, is of the confirmed opinion that the entire purpose of the programs would be defeated if alien exchange students are permitted to violate the terms of the undertakings into which they entered at the time exchange visitors visas were issued by being permitted to effectuate a legal admission for permanent residence from some nearby country.

As a consequence, and in view of the increasing numbers of such cases, the Department on April 11, 1952, instructed all Foreign Service posts that consular officers may not take jurisdiction of immigration visa applications made by persons who have entered the United States as exchange visitors, or who have had their status in the United States changed to that of exchange visitors, unless the applicants are able to establish that they have returned to the country from which they came subsequent to their stay in the United States under Public Law 402, or have been absent from this country following such stay for a period sufficient to insure that the purposes of Public Law 402 have been carried out.

It is firmly believed that the enactment of the proposed bill would establish a precedent for the presentation of numerous similar cases to the Congress.

Although the humanitarian considerations involved in such cases can be appreciated, the Department considers it no more than reasonable and fair that an alien who is the recipient of a public grant awarded for the purpose of implementing

Public Law 402 should be required to return to his home country to disseminate the knowledge gained while in the United States, since failure to so return would result in a waste of Government funds, as well as a negation of the specific purpose of Public Law 402.

In the circumstances, the Department is opposed to the enactment of the proposed bill.

Sincerely yours,

JACK K. McFALL,
Assistant Secretary
(For the Secretary of State).

Congressman Wingate H. Lucas, the author of the bill, submitted the following additional information in connection with the case:

NUEVO LAREDO, TAMPS., MEXICO,
April 28, 1952.

The Honorable HOMER THORNBERRY,
House of Representatives, Washington 25, D. C.

MY DEAR MR. THORNBERRY: I am pleased to acknowledge receipt of your letter dated April 24, 1952, in which you inquire as to the present status of the immigration visa application of Mrs. Gisela Helene Snowdy which is now pending at this consulate.

No immigration visa applicant may be assured that he or she will be granted a visa until such time as the applicant has personally made formal application therefor in the consulate. However, as the consulate wrote Mr. Snowdy on November 14, 1951, the documents submitted on behalf of Mrs. Snowdy appear to be complete and in order. A preliminary examination of those documents at this time reveals no valid reason for withholding a visa when the applicant makes formal application. The consulate then suggested that Mrs. Snowdy obtain permission to enter Mexico for the purpose of making her visa application. I understand that she has not yet obtained that permission.

The question of an alien's admission into Mexico is one for the determination of the competent Mexican authorities and is one in which the consulate may not properly intervene. I feel certain you will understand that the consulate cannot take any action which would in effect constitute an infringement on the sovereignty of the Republic of Mexico.

I trust that the foregoing information satisfactorily answers your questions. If I can be of any further service to you in the matter, please do not hesitate to call upon me.

Sincerely yours,

JAMES C. POWELL, Jr.,
American Consul.

Congressman Frank J. Wilson appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and stressed the fact that Mrs. Snowdy is the wife of a United States citizen and that she now has a United States citizen child.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 7713) should be enacted.

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